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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,041	11/01/2001	Charles G. Williamson	09741620-0204	1233

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EXAMINER

PEYTON, TAMMARA R

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/003,041

Applicant(s)

WILLIAMSON, CHARLES G.

Examiner

Tammara R Peyton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-6 and 10-20 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **Election/Restrictions**

Based on an oversight in the previous Office Action Examiner is submitting that the following claims 1-6 and 10-22 are in a condition to be further restricted. Examiner is including the non-elected claims 7 and 9 for clarification, nonetheless, claims 1-6 and 10-22 were the elected Group I and are the claims being currently prosecuted.

Restriction to one of the following inventions is requirement under 35 U.S.C. 121:

I. Claims 1-6 and 10-17, and 20-22, drawn to selecting via a web page a plurality of recipe programs associated with an intelligent appliance wherein the plurality of recipe programs are a subset of recipe programs chosen from a group of recipe program available to be chosen for the intelligent appliance; storing the selection of the plurality of recipe programs in a user profile at a location remote from the intelligent appliance; downloading at least one of the plurality of recipe programs to the intelligent appliance; receiving a message from the intelligent appliance requesting a new recipe program, the message being sent from the intelligent appliance without user intervention; and upon finding the new recipe program in a database, transmitting the new recipe to the intelligent appliance, classified in class 700, subclass 90.

*Claims 7 and 9, drawn to a user identifier element that identifies a record in a database an appliance identifier element linked to the user identifier element that identifies an intelligent appliance; a plurality of recipe program elements linked to the appliance identifier element; and an unique product code element associated with at least one of the plurality of recipe program elements, classified in class 707, subclass 1.*

II. Claim 18, drawn to downloading the plurality of recipe programs to a memory in an intelligent appliance from the user profile; determining whether the code input by the code input device is associated with any one of the plurality of recipe programs stored in the memory in the intelligent appliance; transmitting a request for a recipe program if the input code from the code input device is not associated with any one of the plurality of recipe programs; and receiving, at the intelligent appliance, a new recipe program associated with the code input by the code input device, classified in class 700, subclass 11.

III. Claim 19, drawn to storing the plurality of recipe programs in a user profile in a location remote from an intelligent appliance; downloading at least one of the plurality of recipe programs to the intelligent appliance; receiving a message from the intelligent appliance requesting a new recipe program; if the new recipe program is found in a database, transmitting the new recipe to the intelligent appliance; and if the new recipe program is not found in a database, updating the user profile with a continuing request for the new recipe program, classified in class 707, subclass 3.

Inventions I, II, and III are related as combinations disclosed as usable together in a single combination. The combinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II has separate utility such as "transmitting a request for a recipe program if the input code from the code input

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device is not associated with any one of the plurality of recipe programs; and receiving, at the intelligent appliance, a new recipe program associated with the code input by the code input device” and Invention II has a separate utility such as “if the new recipe program is found in a database, transmitting the new recipe to the intelligent appliance; and if the new recipe program is not found in a database, updating the user profile with a continuing request for the new recipe program,” See MPEP j 806.05(d).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

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Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(571) 273-8300

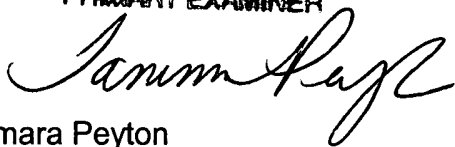
Hand-delivered responses should be brought to:

USTPO, Randolph Building, Customer Service Window

401 Dulany Street

Alexandria, VA 22314.

**TAMMARA PEYTON**  
**PRIMARY EXAMINER**

A handwritten signature in cursive script, appearing to read 'Tammara Peyton', written in black ink.

Tammara Peyton

October 14, 2006